

1 **BEFORE THE ARIZONA REGULATORY BOARD**
2 **OF PHYSICIAN ASSISTANTS**

3 In the Matter of

Board Case No. PA-14-0124A

4 **VICTOR E. SCHULTZ, P.A.**

**ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME**

5 Holder of License No. **1301**
6 For the Performance of Healthcare Tasks
7 In the State of Arizona.

8 Victor E. Schultz, P.A. ("Respondent"), elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
10 admits the jurisdiction of the Arizona Regulatory Board of Physician Assistants ("Board");
11 and consents to the entry of this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 physician assistants in the State of Arizona.

15 2. Respondent is the holder of License No. 1301 for the performance of health
16 care tasks in the State of Arizona.

17 3. The Board initiated case number PA-14-0124A after receiving a self-report
18 from Respondent that he phoned in a prescription for phentermine for patient CM from a
19 previous practice and that it was out of his scope of practice. Respondent further reported
20 that no medical records were maintained for CM.

21 4. On November 26, 2014, the Board received a self-report from Respondent
22 stating that he phoned in a prescription for phentermine 37.5mg for patient CM from a
23 previous practice. On December 5, 2014, Respondent reported that the prescription he
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1 authorized was ordered without proper documentation and that no medical file was
2 generated.

3 5. Subsequent investigation identified ten prescriptions for phentermine written
4 by Respondent for CM from December 2011 through September 2013 and six
5 prescriptions written between January through October 2014.

6 6. Respondent acknowledges the prescriptions were written in error, and
7 informed Board staff that he intends on retiring from the performance of healthcare tasks.

8 9 CONCLUSIONS OF LAW

10 1. The Arizona Regulatory Board of Physician Assistants possesses
11 jurisdiction over the subject matter hereof and over Respondent.

12 2. The conduct and circumstances described above constitutes unprofessional
13 conduct pursuant to A.R.S. § 32-2501(18)(c) ("[p]erforming healthcare tasks that have
14 not been delegated by the supervising physician.");

15 3. The conduct and circumstances described above constitutes unprofessional
16 conduct pursuant to A.R.S. § 32-2501(18)(j) ("[a]ny conduct or practice that is or might
17 be harmful or dangerous to the health of a patient or the public.");

18 4. The conduct and circumstances described above constitutes unprofessional
19 conduct pursuant to A.R.S. § 32-2501(18)(p) ("[f]ailing or refusing to maintain adequate
20 records on a patient.").

21 ORDER

22 IT IS HEREBY ORDERED THAT:

23 1. Respondent is issued a Letter of Reprimand.

24 2. Respondent is placed on probation for **six months** with the following terms and
25 conditions:

1 a. Continuing Medical Education

2 Respondent shall within six months of the effective date of this Order
3 complete a minimum of ten (10) hours of Board Staff pre-approved Category I Continuing
4 Medical Education ("CME") at an intensive, in-person course for opioid prescribing and
5 provide Board staff with satisfactory proof of attendance. The CME hours shall be in
6 addition to the hours required for the renewal of licensure.

7 b. Obey All Laws

8 Respondent shall obey all state, federal and local laws, all rules governing
9 the performance of health care tasks in Arizona, and remain in full compliance with any
10 court order criminal probation, payments and other orders.

11 c. Tolling

12 In the event Respondent should leave Arizona to reside or perform health
13 care tasks outside the State or for any reason should Respondent stop performing health
14 care tasks in Arizona, Respondent shall notify the Executive Director in writing within ten
15 days of departure and return or the dates of non-performance within Arizona. Non-
16 performance is defined as any period of time exceeding thirty days during which
17 Respondent is not engaging in the performance of health care tasks. Periods of
18 temporary or permanent residence or performance of health care tasks outside Arizona
19 or of non-performance of health care tasks within Arizona, will not apply to the reduction
20 of the probationary period.

21 d. Request for Probation Termination

22 After completion of the CME, Respondent may petition the Board to have
23 the remaining probationary period terminated.

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2 3. This Order is the final disposition of case number PA-14-0124A.

3 DATED AND EFFECTIVE this 3rd day of September 2015.

4
5 ARIZONA REGULATORY BOARD OF
6 PHYSICIAN ASSISTANTS

7
8 By Patricia E. McSorley
9 Patricia E. McSorley
Executive Director

10
11 **CONSENT TO ENTRY OF ORDER**

12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges he has the right to consult with legal counsel regarding this matter.

15 2. Respondent acknowledges and agrees that this Order is entered into freely
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
18 to a hearing or judicial review in state or federal court on the matters alleged, or to
19 challenge this Order in its entirety as issued by the Board, and waives any other cause of
20 action related thereto or arising from said Order.

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent are solely for final disposition of this
24 matter and any subsequent related administrative proceedings or civil litigation involving
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1 the Board and Respondent. Therefore, said admissions by Respondent are not intended
2 or made for any other use, such as in the context of another state of federal government
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
4 any other state or federal court.

5 6. Upon signing this agreement, and returning this document (or a copy
6 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
7 entry of the Order. Respondent may not revoke the consent to the entry of the Order.
8 Respondent may not make any modifications to the document. Any modifications to this
9 original document are ineffective and void unless mutually approved by the parties.

10 7. This Order is public record that will be publicly disseminated as a formal
11 disciplinary action of the Board and will be reported to the National Practitioner's Data
12 Bank and on the Board's web site as a disciplinary action.

13 8. If any part of the Order is later declared void or otherwise unenforceable,
14 the remainder of the Order in its entirety shall remain in force and effect.

15 9. If the Board does not adopt this Order, Respondent will not assert as a
16 defense that the Board's consideration of the Order constitutes bias, prejudice,
17 prejudgment or other similar defense.

18 10. Any violation of this Consent Agreement constitutes unprofessional conduct
19 and may result in disciplinary action. A.R.S. § 32-2501(18)(dd) ("[v]iolating a formal
20 order, probation agreement or stipulation issued or entered into by the board or its
21 executive director") and A.R.S. § 32-2551.

22 11. ***Respondent has read and understands the condition of probation.***

23
24 
25 VICTOR E. SCHULTZ, P.A.

DATED: 8/3/15

1 EXECUTED COPY of the foregoing mailed
2 this 3rd day of September, 2015 with:

3 Victor E. Schultz, P.A.
4 (Address of Record)

5 ORIGINAL of the foregoing filed
6 this 3rd day of September, 2015 with:

7 Arizona Regulatory Board of Physician Assistants
8 9545 E Doubletree Ranch Road
9 Scottsdale, AZ 85258

10 Mary Baker
11 Board Staff